

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

- - - -

TAYLOR CONDARCURE,)	
)	
Plaintiff,)	
)	Civil Action
-vs-)	No. 2:12-CV-01453
)	
CITY OF PITTSBURGH,)	
CHIEF OF POLICE NATHAN)	
HARPER, OFFICER DAVID)	
HONICK, OFFICER MATTHEW)	
WHITE, OFFICER R.)	
SEMOLINSKI, DETECTIVE)	
LEBEDDA, OFFICER M. KAIL,)	
SR STATION SQUARE LLC)	
t/d/b/a SADDLE RIDGE)	
SALOON and/or SR PITT LLC)	
t/d/b/a SADDLE RIDGE)	
SALOON, and SADDLE RIDGE)	
SALOON, INC.,)	
)	
Defendants.)	

- - - -

DEPOSITION OF: TAYLOR CONDARCURE

- - - -

DATE: January 14, 2014
Tuesday, 11:14 a.m.

LOCATION: City of Pittsburgh
Law Department
313 City-County Bldg.
Pittsburgh, PA 15219

TAKEN BY: Defendants
City of Pittsburgh and
Nathan Harper

REPORTED BY: Kristin Lytle, RPR
Notary Public
Reference No. KL33474

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1 A. Yes.
2 Q. Were you engaged to her for a period of time?
3 A. Yes.
4 Q. When did you get engaged to her?
5 A. 2009.
6 Q. When did the engagement break off?
7 A. 2011.
8 Q. And did anything surrounding this incident
9 play a part in the breaking up of the
10 relationship?
11 A. No.
12 Q. Lexa Lockhart was with you on the night of
13 this incident; is that correct?
14 A. Yes.
15 Q. Did you move from the Avonmore address back to
16 your parents' home at some point?
17 A. No.
18 Q. Was there an in between?
19 A. Yes.
20 Q. Where did you move to after you left Avonmore?
21 A. Avonmore.
22 Q. Two addresses in Avonmore?
23 A. Yeah, same street.
24 Q. When did you move back to your parents' house?
25 A. It had to be the same year, 2011, short period

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1 of time.
2 Q. So it's February 2010. You're living in
3 Avonmore with your fiancée, Lexa Lockhart; is
4 that correct?
5 A. Yes.
6 Q. And at that point you don't have any
7 particular full-time employment?
8 A. No.
9 Q. And what are you doing for money?
10 A. Right now?
11 Q. No, at that point, february of 2010. What
12 were you doing to have money to pay the bills?
13 A. Helping my parents.
14 Q. What type of business did your parents have at
15 that point?
16 A. eBay.
17 Q. eBay?
18 A. Yes.
19 Q. Was this -- I guess it wasn't a formal
20 employment arrangement. It was just you would
21 help out, and they would give you some funds?
22 A. Family business.
23 Q. Do you know whether you're a shareholder or
24 incorporated --
25 A. No, no.

Page 24

1 Q. So it's my understanding that there was a
2 celebration of someone's birthday that
3 precipitated this event; is that correct?
4 A. Yes.
5 Q. Who was the person whose birthday was being
6 celebrated?
7 A. Craig Petho.
8 Q. How old was Craig turning?
9 A. 23.
10 Q. How long have you known Craig?
11 A. A long time, 15 years.
12 Q. What was the plan to celebrate Craig's
13 birthday?
14 A. To take a party bus down to Pittsburgh.
15 Q. How many people were on the bus?
16 A. 26 or so.
17 Q. Of those 26, how many names can you remember?
18 Why don't you start by going through
19 the ones that you can recall. Obviously Craig
20 Petho was one. Was Craig on the bus?
21 A. Just start naming?
22 Q. Yes.
23 A. Craig, Jeremy.
24 Q. You're going to have to give us last names.
25 A. Craig Petho, Jeremy Andrew, Kim Karnes, Lexa

Page 25

1 Lockhart, Ronald Stringer, Josh Coleman,
2 Travis Hall. That's all I can think of.
3 Q. If any other names come to your mind during
4 the deposition, shout them out. Okay?
5 A. All right.
6 Q. Did the bus pick you up at your address?
7 A. No, at the plaza in Apollo.
8 Q. The plaza in Apollo?
9 A. Yeah.
10 Q. Did you take a car from your address to the
11 plaza in Apollo?
12 A. Yes.
13 Q. Who drove with you in the car?
14 A. Lexa.
15 Q. And before getting on the bus, did you have
16 any alcoholic beverage that night?
17 A. No.
18 Q. Okay. Is there any alcohol at all on the bus
19 as you're taking it from Apollo to Pittsburgh?
20 A. Yes.
21 Q. What type of beer?
22 A. I'm not sure.
23 Q. I said what type of beer. What type of
24 alcohol?
25 A. I know some guys had some beer.

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<p>1 Q. Pardon us for one moment, please. 2 Can I talk to you outside for a 3 moment? 4 MR. CAMPBELL: Yeah. 5 - - - - 6 (There was a recess in the proceedings from 7 11:41 a.m. to 11:50 a.m.) 8 - - - - 9 BY MR. KENNEDY: 10 Q. I had asked a question about whether you had 11 anything to drink before you got on the bus. 12 You said no. And then I asked you if there 13 was any alcohol on the bus, and you said you 14 thought there was some beer; is that correct? 15 A. Yes. 16 Q. Did you have any beer on the bus? 17 A. No. 18 Q. Where did the bus take you to? 19 A. First Buckhead's. 20 Q. And does the bus park in a parking spot and 21 everybody gets out, or does the bus drop you 22 off at the door and go somewhere else? What 23 do you recall about that? 24 A. It drops us off and then parks. 25 Q. And Buckhead's -- is that on Carson Street?</p>	<p>1 A. I paid for my own. 2 Q. Did you notice how much Lexa drank at 3 Buckhead's? 4 A. Not much. 5 Q. Did she have at least one drink? 6 A. Yes. 7 Q. Did you buy her a drink? 8 A. Yes. 9 Q. Did you buy her more than one drink that you 10 recall? 11 A. I don't remember. 12 Q. So an hour and a half at Buckhead's. By the 13 way, what time did you get to Buckhead's 14 approximately? 15 A. 10, 10:30. 16 Q. How long does it take to get from Apollo where 17 the bus left to Station Square? 18 A. On a bus, at least an hour and a half. The 19 bus is slow. 20 Q. Other people drank during the bus ride -- 21 drank beer during the bus ride; is that 22 correct? 23 A. Yes. 24 Q. Did Lexa drink during the bus ride? 25 A. I don't think so.</p>
Page 27	Page 29
<p>1 A. No, Station Square. 2 Q. Station Square? 3 A. Yeah. 4 Q. So there's a lot of people there in your 5 group? 6 A. Yes. 7 Q. Are there any one or two or three that you 8 would say you spent most of your time chatting 9 with and socializing with that evening? 10 A. Lexa, Kim, and Jeremy. 11 Q. How long were you at Buckhead's? 12 A. About an hour, hour and a half. 13 Q. And did you have any alcoholic beverages? 14 A. Yes. 15 Q. And what type? 16 A. Some beer and Seagram's 7. 17 Q. And how many beers? 18 A. One or two. 19 Q. And how many Seagram's 7? 20 A. Just one. 21 Q. And that's a mixed drink? 22 A. Yeah. 23 Q. Now were you paying for your own drinks as you 24 went along? Were you buying rounds for each 25 other? Explain how that process worked.</p>	<p>1 Q. Now where then do you go when you leave 2 Buckhead's? 3 A. To Saddle Ridge. 4 Q. And do you walk from Buckhead's to Saddle 5 Ridge, or are you driven there by the bus? 6 A. No. The bus goes over. 7 Q. Had you been to either Buckhead's or Saddle 8 Ridge before the night of this incident? 9 A. Yes. 10 Q. How many times approximately would you have 11 been to Buckhead's before the night of this 12 incident? 13 A. I have no idea. 14 Q. How many times would you have been to Saddle 15 Ridge before the night of this incident? 16 A. Once or twice. 17 Q. Was it common for you to come to Pittsburgh to 18 go out with your friends? 19 A. No. 20 Q. So Buckhead's is in Station Square. Saddle 21 Ridge is kind of next to Station Square; is 22 that correct? 23 A. Yeah. 24 Q. On the other side of the Smithfield Street 25 Bridge?</p>

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1 A. It's right by Smithfield, yeah.
2 Q. So it wouldn't take long to go from Buckhead's
3 to Saddle Ridge?
4 A. Not at all. Walking, yeah. Bus, no.
5 Q. So approximately what time do you get to
6 Saddle Ridge, your group?
7 A. Midnight or so.
8 Q. Now my understanding is Saddle Ridge is broken
9 up into different bar areas?
10 A. Yes.
11 Q. And there are three areas?
12 A. Yeah. There's a Barroom, Saddle Ridge, and I
13 can't think of the other bar's name.
14 Q. Okay. Is there an entrance fee you've got to
15 pay to get into these places?
16 A. Yes.
17 Q. And once you get in, you can go freely between
18 one and the others?
19 A. Yes.
20 Q. Which one did you spend your time in that
21 night?
22 A. Barroom.
23 Q. And other people on your bus who spent the
24 most time with you in Barroom?
25 A. Everybody was separated throughout the night.

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1 Q. Did you and Lexa for the most part stay
2 together?
3 A. In Barroom, yes.
4 Q. So if you got there at about midnight, at
5 about what time did your encounter with the
6 police officers occur?
7 A. 1:30.
8 Q. So you're there for maybe an hour and a half.
9 During that hour and a half, did you drink any
10 alcohol?
11 A. Yes.
12 Q. What type?
13 A. Captain and Coke.
14 Q. And how many Captain and Cokes?
15 A. I'm going to say in Barroom, two.
16 Q. And how about in the actual Saddle Ridge bar,
17 did you drink anything in that area?
18 A. I think I had a Captain from Barroom because
19 you can bring it over.
20 Q. So then in the total hour and a half that you
21 were there from when the bus dropped you off
22 until the encounter, your best estimate is you
23 had two Captain and Cokes?
24 A. Yes.
25 Q. Did you have any beer?

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1 A. No.
2 Q. Did you dance? Did you ride the bull? Tell
3 me what you did during that hour and a half
4 other than have a couple of drinks.
5 A. We went to Barroom and danced for a while.
6 Well, we heard there were girls on the bull
7 topless so -- of course, natural, and so we
8 went over there. That had to have been closer
9 to 1:30. And that's -- we were only there for
10 a little while.
11 Q. So tell me what you were doing in the 5-minute
12 period of time immediately before your
13 encounter with the police officer.
14 A. Well, I saw Jeremy and Kim arguing across the
15 way. And then I saw some friends at the bar.
16 I went up and told the friends at the bar that
17 we were getting ready to get going because I
18 wanted to go to Mike & Tony's to get a giro.
19 Q. I'm sorry. Mike & Tony's?
20 A. Yeah. So we were going to take that way
21 because I wanted to go there.
22 And I was like, well, get ready
23 because I want to go soon. I am trying to
24 gather everybody up at this point.
25 Q. I want to kind of pick at you for a little

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1 detail while you're giving me this narrative.
2 So which bar area are you in?
3 A. Saddle Ridge.
4 Q. And you're walking up to one of the bars in
5 the Saddle Ridge area and talking to friends.
6 Who are the friends you're talking to at that
7 point?
8 A. That had to have been -- Chelsea Zavarelli and
9 Travis Hall.
10 Q. So it was your desire for everybody to go to
11 Mike & Tony's on the bus or for you and Lexa
12 to go there?
13 A. We came on the bus. We had to leave on the
14 bus.
15 Q. Were you kind of lobbying to get everybody to
16 go to Mike & Tony's?
17 A. I was trying, yeah.
18 Q. So now take me from that point forward.
19 A. I -- here's the bar. I was standing here. I
20 approached them, talked to them, looked over
21 and saw Jeremy and Kim across the way and was
22 walking over to him, Jeremy, and that's when I
23 was approached.
24 Q. So you left your seat at the bar to walk
25 towards Jeremy?

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1 A. I never sat. I just walked up to the bar.
2 Q. You left your standing area at the bar to walk
3 towards Jeremy?
4 A. Yes.
5 Q. When you say that's when you saw him, who are
6 you referring to?
7 A. That's when I was approached by the officers.
8 Q. And which officer first approached you?
9 A. Honick.
10 Q. Did you know his name that night?
11 A. No.
12 Q. You've come to learn later that it was Officer
13 Honick?
14 A. Yes.
15 Q. What is -- what did Honick say to you as he
16 was approaching you, if anything?
17 A. He said: I told you to leave multiple times.
18 You have to go.
19 Q. Had he told you to leave any time before that
20 initial encounter?
21 A. No.
22 Q. Was he in a uniform?
23 A. A security shirt.
24 Q. When you say a security shirt, I mean is it
25 like a black T-shirt with the word security

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1 across the front, or how would you describe
2 it?
3 A. Yes, across like the pocket area where a front
4 pocket would be and on the back.
5 Q. Did it say the word security?
6 A. Yeah.
7 Q. Was there a name plate on it?
8 A. No.
9 Q. Was there a badge on it?
10 A. No.
11 Q. Was he wearing a coat over top of his shirt?
12 A. I'm not sure.
13 Q. Was he wearing a hat?
14 A. No.
15 Q. As he approached you and made his first
16 comment to you, did you think he was a police
17 officer?
18 A. No.
19 Q. What did you think he was when he approached
20 you?
21 A. A security guard.
22 Q. Were there any other either security guards or
23 police officers telling people to leave
24 within -- or that you noticed within a few
25 seconds of Honick saying what he said to you?

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1 A. No.
2 Q. Did you notice any other security guards or
3 police officers that evening?
4 A. No.
5 Q. So did you respond to Honick after he made
6 that statement to you? Did you respond
7 verbally?
8 A. Yes.
9 Q. What did you say?
10 A. I said: Wow. What did I do? I didn't do
11 anything.
12 Q. And what happened after you said that?
13 A. I turned around.
14 Q. Did he say anything before you turned around?
15 A. No.
16 Q. Were you facing him when you said those words?
17 A. Yes.
18 Q. What happened after you turned around?
19 A. He said: I'm not going to tell you again,
20 leave.
21 Q. And did you respond verbally to that?
22 A. Yes.
23 Q. What did you say?
24 A. I said: Fuck off, faggot.
25 Q. And what happened after you said that?

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1 A. He came at me.
2 Q. Were you facing him when he came at you?
3 A. At that point, yes.
4 Q. Now at one point you said you turned around.
5 You turned around and showed your back to him
6 before you said the words fuck off, faggot?
7 A. Yeah.
8 Q. So at what point did he get in front of you to
9 come at you? That's a bad question.
10 Explain to me the dynamics of where
11 you were facing when you said those words and
12 how he came at you. Whether he came at you
13 front on or came at you from behind or from
14 the side. Explain it to us.
15 A. I had two friends over here -- there was a lot
16 of us there. I had two friends here. Lexa
17 was here. He was over here. (Indicating.)
18 Q. Let me ask you to orient me to what you just
19 kind of tried to describe with your hands.
20 And maybe put your initials by you.
21 Put an L for Lexa.
22 A. I'm not sure exactly where those two were.
23 And Honick was over here. (Indicating.)
24 Q. So Lexa was between you and Honick?
25 A. Yes.

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1 anything of that nature before he made contact
 2 with you?
 3 A. No. I just kind of was startled.
 4 Q. Now you say he landed a haymaker, and you
 5 pointed to your cheek area?
 6 A. Yeah.
 7 Q. So that's your left cheek, correct?
 8 A. Yes.
 9 Q. And he threw a right hand?
 10 A. Yes.
 11 Q. Did you see him wind it up behind his
 12 shoulder, or how would you describe it?
 13 A. Yes.
 14 Q. Was that the first physical contact between
 15 his body and your body?
 16 A. Yes.
 17 Q. Punch to face?
 18 A. (Witness nods head up and down.)
 19 Q. Say yes.
 20 A. Yes.
 21 Q. Did the punch knock you down?
 22 A. No.
 23 Q. Did it stagger you backwards?
 24 A. Yes.
 25 Q. Would you have fallen but for people behind

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1 you keeping you propped up?
 2 A. That's when I was grabbed and swept by
 3 another officer.
 4 Q. I guess my question is did anybody behind you
 5 block you from falling to the ground from the
 6 punch?
 7 A. I don't know.
 8 Q. So you were staggered backwards by the punch,
 9 and then you say you were grabbed by someone
 10 else?
 11 A. Yes.
 12 Q. Who was the person that grabbed you?
 13 A. I'm not sure, another officer.
 14 Q. What was that person wearing?
 15 A. I don't know.
 16 Q. Can you -- when this is occurring, can you
 17 describe whether or not you are mildly
 18 intoxicated, not intoxicated at all, buzzed?
 19 Describe for me any effect that the amount of
 20 alcohol you had consumed that night was having
 21 on your sensibilities at the point of this
 22 encounter.
 23 A. Light buzz.
 24 Q. Light buzz, okay.
 25 So you get grabbed from behind. Is

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1 it like a reverse bear hug, or how would you
 2 describe the grab?
 3 A. That's accurate.
 4 Q. A reverse bear hug?
 5 A. Yes.
 6 Q. And have you ever learned who it was that
 7 grabbed you from behind?
 8 A. I'm not sure.
 9 Q. And what happened after you were grabbed from
 10 behind?
 11 A. I was leg swept with my hands behind my
 12 back.
 13 Q. How were your hands behind your back?
 14 A. With a bear hug. I was more or less like this
 15 (indicating), a squeeze to the side.
 16 Q. To the side?
 17 A. To the side.
 18 Q. You had not put your hands behind your back to
 19 be cuffed at any --
 20 A. No, no.
 21 Q. So it was more like your arms were trapped to
 22 your side by the bear hug?
 23 A. Yes.
 24 Q. And was it a leg sweep forward or a leg sweep
 25 to the side? How would you describe it?

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1 A. Kind of like a takedown.
 2 Q. What you just described to me appeared to be
 3 the officer took you to the side?
 4 A. Like -- well, with -- just like a leg trip
 5 with his right leg I'm assuming.
 6 Q. So which side did he take you down to?
 7 A. To my right.
 8 Q. Now did you land flat on your face or on your
 9 right ear? How would you describe how you hit
 10 the floor?
 11 A. Flat.
 12 Q. Face first?
 13 A. Yes.
 14 Q. Were you punched a second time before you were
 15 taken to the ground?
 16 A. No.
 17 Q. You didn't lose consciousness when you were
 18 punched; is that correct?
 19 A. No. I was stunned.
 20 Q. And when you were taken to the ground and hit
 21 the ground, did you lose consciousness?
 22 A. Maybe slightly.
 23 Q. If you had to gauge, which was the more
 24 forceful contact? Which hurt more?
 25 A. The punch.

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1 Q. Now when the officer took you to the ground
2 with the leg sweep, did his weight follow you
3 to the ground?
4 A. Yes.
5 Q. Did you lose your breath at all?
6 A. Yes.
7 Q. What happens now after you have been taken to
8 the ground?
9 A. Handcuffed, bleeding, taken out.
10 Q. Do you remember which officer put the
11 handcuffs on you?
12 A. No.
13 Q. Do you remember any words that had been said
14 from the point where Honick told you the
15 second time you had to go until the point in
16 time where you were taken to the ground? Did
17 anybody say any words that you can recall?
18 A. Not that I recall.
19 Q. Now while you were on the ground, do you
20 remember them saying any words to you?
21 A. The officers?
22 Q. The officers.
23 A. I don't remember.
24 Q. How many officers laid hands on you during the
25 process of you being taken to the ground, you

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1 being handcuffed, and you being lifted back to
2 your feet?
3 A. Three or 4 I believe.
4 Q. And do you remember any words that any of
5 those 3 or 4 officers said?
6 A. At what point?
7 Q. Let's say while you were just being brought to
8 your feet and before they start walking you
9 out.
10 A. Not until outside.
11 Q. I'm assuming you didn't know any of these
12 officers on the night of the incident?
13 A. No.
14 Q. Have you come to learn who any of these 3 or 4
15 officers were above and beyond Honick?
16 A. Mr. White.
17 Q. Mike White, okay.
18 MS. COLEMAN: Matt White.
19 BY MR. KENNEDY:
20 Q. Is there anything specifically you can recall
21 about the handcuffing process, whether they
22 were kneeling you in the head or hurting you or
23 causing pain?
24 A. Knee in the back.
25 Q. A knee in your back?

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1 A. Yeah. I think two of them were holding me
2 down.
3 Q. Were you punched at all while you were being
4 handcuffed?
5 A. No.
6 Q. Was Honick playing a part in your handcuffing?
7 A. No. I don't believe so.
8 Q. Did you see where he went or what he was doing
9 during that process?
10 A. I think he was just standing there.
11 Q. By the way, before Honick punched you, did you
12 hear any officers or any security guards
13 shouting out everybody has to leave or words
14 to that effect?
15 A. No.
16 Q. Had any of your friends in the 5 minutes
17 before this encounter occurred between you and
18 Honick -- had any of your friends said
19 anything to you about the bar wanted the
20 people out, the customers out?
21 A. No.
22 Q. So you weren't aware at all if the bar was
23 trying to get people out at that point in
24 time?
25 A. I don't believe so.

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1 Q. Were you aware of some sort of an altercation
2 between members of your group and other
3 customers of the bar before Honick punched
4 you?
5 A. Yes.
6 Q. What is your understanding as to what
7 altercation occurred?
8 A. Somebody was talking to Jeremy's girlfriend.
9 That's all I know.
10 Q. And did you hear later on whether or not that
11 involved -- turned into a shoving match or a
12 loud argument or anything of that nature?
13 A. Argument.
14 Q. Do you know what time the bar closed in
15 February of 2010?
16 A. No.
17 Q. Did anyone say last call or words to that
18 effect at any point before Honick punched you?
19 A. Not that I know of.
20 Q. What was your general understanding as to when
21 last call was at a bar?
22 A. 2 to 2:15.
23 Q. Did you have a drink in your hand while you
24 were talking with the people you've identified
25 in Exhibit 1?

<div>Page 50</div> <div> <div>1 A. At that point, no.</div> <div>2 Q. As you were -- tell me how you got off the</div> <div>3 floor and out the door.</div> <div>4 A. Picked up, handcuffed, escorted.</div> <div>5 Q. Handcuffed first, then escorted?</div> <div>6 A. Yes.</div> <div>7 Q. Did any of the officers use a taser or</div> <div>8 nightstick or anything on you that night?</div> <div>9 A. No.</div> <div>10 Q. Were you punched at all while you were being</div> <div>11 escorted from the position of your handcuffing</div> <div>12 to outside?</div> <div>13 A. Honick slammed me into the brick wall.</div> <div>14 Q. Is that after you got outside?</div> <div>15 A. Yes.</div> <div>16 Q. So Honick was one of the officers leading you</div> <div>17 out of the facility?</div> <div>18 A. Yes.</div> <div>19 Q. Now explain to me how that occurred.</div> <div>20 A. I turned -- as we were walking out -- I was</div> <div>21 being taken to the paddy wagon -- I looked</div> <div>22 over to tell Lexa to call my mom because they</div> <div>23 all came outside when I was being escorted</div> <div>24 out. It was kind of a group thing there. And</div> <div>25 I turned over to tell Lexa to call my mom,</div> </div>	<div>Page 52</div> <div> <div>1 the severity or the ranking of the three</div> <div>2 blows.</div> <div>3 A. From 1 to 3?</div> <div>4 Q. From 1 to 3.</div> <div>5 A. First a 10.</div> <div>6 Q. And that's the punch?</div> <div>7 A. Two, 8.</div> <div>8 Q. And the second is the thrown to the floor.</div> <div>9 Now the third one?</div> <div>10 A. Three? It hurt, 8.</div> <div>11 Q. Which blow caused the fracture if you know?</div> <div>12 A. The punch.</div> <div>13 Q. Now you say Honick used the words quit</div> <div>14 resisting. Was that immediately before he</div> <div>15 pushed you up against the wall?</div> <div>16 A. I'm not sure exactly what words he said, but</div> <div>17 it was along that nature.</div> <div>18 Q. Do you remember any other words that Honick</div> <div>19 said after he got you outside?</div> <div>20 A. He said: No punk ass kid from Apollo is going</div> <div>21 to take me down.</div> <div>22 Q. Do you know how he knew you were from Apollo</div> <div>23 at that point?</div> <div>24 A. Because they checked my wallet for my license,</div> <div>25 for my information.</div> </div>
<div>Page 51</div> <div> <div>1 come get me, do something. And that's when he</div> <div>2 told me to stop resisting and put me up</div> <div>3 against the wall.</div> <div>4 Q. Were you already out the front door so to</div> <div>5 speak when that occurred?</div> <div>6 A. I think it was a back door or side door.</div> <div>7 Q. But you were outdoors?</div> <div>8 A. Yes.</div> <div>9 Q. Did you have a coat on?</div> <div>10 A. No.</div> <div>11 Q. And the surface he put you up against -- you</div> <div>12 said it was a brick wall surface?</div> <div>13 A. Yes.</div> <div>14 Q. Describe how he had a hold of you. Did he</div> <div>15 hold you by your neck?</div> <div>16 A. Arms behind my back, forearm to my shoulder</div> <div>17 blades, and forceful.</div> <div>18 Q. But the force was coming from what you believe</div> <div>19 was his forearm pushing around your shoulder</div> <div>20 blade area?</div> <div>21 A. Yeah (indicating).</div> <div>22 Q. What part of your body hit the wall first?</div> <div>23 A. Face.</div> <div>24 Q. How forceful would you describe -- you had</div> <div>25 three blows that night at this point. Give me</div> </div>	<div>Page 53</div> <div> <div>1 Q. Where did that check occur?</div> <div>2 A. By the -- when we went outside by the paddy</div> <div>3 wagon thing.</div> <div>4 Q. Was there a period of time where you were</div> <div>5 standing outside before he pushed you up</div> <div>6 against the wall?</div> <div>7 A. No.</div> <div>8 Q. When did they get your wallet from your</div> <div>9 person?</div> <div>10 A. On the way from the Barroom floor to right</div> <div>11 before we were about to get into the van.</div> <div>12 Q. Where did you keep your wallet? Pants pocket?</div> <div>13 A. Yes, left pocket.</div> <div>14 Q. Did you get it out for them, or did they get</div> <div>15 it out?</div> <div>16 A. I was handcuffed. They got it out.</div> <div>17 Q. Do you remember which officer got your wallet</div> <div>18 out of your pocket?</div> <div>19 A. I'm not sure. It was one of the other guys.</div> <div>20 Q. Did you actually see any officer looking</div> <div>21 through your wallet for your identification?</div> <div>22 A. No. That's when I was trying to get Lexa's</div> <div>23 attention.</div> <div>24 Q. How long were you outside in seconds or</div> <div>25 minutes before you were pushed up against the</div> </div>

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1 wall?
 2 A. A couple minutes.
 3 Q. And then how long from the point you were
 4 pushed up against the wall until you were put
 5 in the paddy wagon?
 6 A. Fast.
 7 Q. Less than a couple minutes?
 8 A. A minute.
 9 Q. Other than being pushed up against the wall,
 10 do you recall any other physical contact you
 11 had with the officers while you were outside?
 12 A. No.
 13 Q. No other punches were thrown; is that correct?
 14 A. No.
 15 Q. No other punches were thrown?
 16 A. No other punches were thrown.
 17 Q. Thank you. Did anyone tell you why you were
 18 being taken into custody?
 19 A. No.
 20 Q. At what point did you learn why you were being
 21 taken into custody?
 22 A. The next day.
 23 Q. They put you in a paddy wagon. Was it an
 24 actual truck with a large cargo area in the
 25 back of it type of wagon?

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1 A. It was like a van.
 2 Q. A van?
 3 A. Yeah.
 4 Q. Where did they take you to?
 5 A. Allegheny.
 6 Q. Allegheny County Jail?
 7 A. Yes.
 8 Q. Straight to the jail?
 9 A. Yes.
 10 Q. When you got to the jail, explain to me the
 11 intake process that you went through.
 12 A. They took a dry rag and wiped the blood off my
 13 face so they could take a picture.
 14 Q. When you say they, who are you talking about?
 15 A. Some lady.
 16 Q. Do you know if she was jail personnel or city
 17 police officer?
 18 A. Jail personnel.
 19 Q. At some point did the police officers kind of
 20 turn custody of you over to the jail officers
 21 and then the city police officers leave the
 22 scene?
 23 A. Yeah.
 24 Q. Now were you examined by any type of a nurse
 25 at the jail?

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1 A. No.
 2 Q. The woman who wiped your face with a dry rag
 3 do you know what her title was?
 4 A. I think she was just the person that takes you
 5 in. What's that? Intake?
 6 Q. Was she wearing a uniform?
 7 A. I'm not sure.
 8 Q. Was there any type of an examination that you
 9 noticed that any of the jail personnel engaged
 10 in? Examination of you.
 11 A. No.
 12 Q. Okay. And to this point do you remember
 13 anything the police officers said to the jail
 14 personnel during the transfer process?
 15 A. No.
 16 Q. So what happens after the woman wipes the
 17 blood off of your face?
 18 A. They took the picture, and then I went to a
 19 cell.
 20 Q. Was it an individual cell?
 21 A. No.
 22 Q. How many other people were in the cell with
 23 you?
 24 A. I'm not sure.
 25 Q. How long were you in that cell before you were

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1 removed from it?
 2 A. At least 12 hours.
 3 Q. And where were you taken then when you were
 4 removed from that cell?
 5 A. I never was. There was a break room, TVs and
 6 stuff, concession stands -- not concession
 7 stands. Snack machines. And that was it.
 8 Q. So during that 12-hour period you had access
 9 to the break room area?
 10 A. Yeah.
 11 Q. Did someone from the jail take your wallet?
 12 A. No.
 13 Q. Were any of your possessions taken from you
 14 when you were taken into the jail?
 15 A. Yeah. I think so. I think they take
 16 everything out of your pockets, don't they?
 17 Cell phone.
 18 Q. That's what I'm asking.
 19 A. Yeah, cell phone, just whatever they take, you
 20 know.
 21 Q. Did you have a cell phone with you that night?
 22 A. Yes.
 23 Q. Did the jail personnel take it from you?
 24 A. Yes. They took my personal possessions.
 25 Q. So now you're in the jail for about 12 hours.

<p style="text-align: right;">Page 70</p> <p>1 last week to refresh your recollection about 2 this? 3 A. Just my cross-exam, my -- the court, and the 4 OMI report. 5 Q. When you say your cross-exam, do you mean your 6 trial testimony when it was in the courthouse 7 across the street? 8 A. Yes. 9 MS. COLEMAN: If I can clarify, he 10 did not review the entire OMI report before 11 coming in here, just the summary of his 12 testimony and the transcription of his 13 testimony. 14 THE WITNESS: Yes. 15 BY MR. KENNEDY: 16 Q. So do you eventually -- since you were held 17 for court, you eventually had a trial; is that 18 correct? 19 A. Yes. 20 Q. And the trial was in the courthouse building. 21 Do you remember who the judge was? 22 A. No. 23 Q. Do you remember whether it was a jury or a 24 nonjury trial? 25 A. It was supposed to be a jury but it was</p>	<p style="text-align: right;">Page 72</p> <p>1 Pittsburgh police officers about your case 2 since the night of the incident? 3 A. No. 4 Q. What did OMI -- strike that. 5 What is your understanding as to 6 what OMI determined at the end of their 7 investigation? 8 A. I have no idea. 9 Q. Let me ask you a couple of questions now about 10 what you may know about the way the City of 11 Pittsburgh trains and supervises its 12 officers. 13 Do you know anything about how the 14 City of Pittsburgh supervises its individual 15 police officers? 16 A. No. 17 Q. Do you -- there are allegations in your 18 Complaint that the city does not do a good job 19 generally of training and supervising its 20 officers. So I want to ask you if you are 21 aware personally of any particular policy that 22 you think is inappropriate, any particular 23 discipline that you think is inappropriate as 24 you sit here today. 25 A. Just that I know they are pretty forceful.</p>
<p style="text-align: right;">Page 71</p> <p>1 nonjury. 2 Q. And you testified at the trial, correct? 3 A. Yes. 4 Q. And what was the result of the trial? 5 A. Not guilty. 6 Q. On all three of the charges? 7 A. Yes. 8 Q. Did Shannon Deems show up at the trial? 9 A. Yes. 10 Q. Did he ever testify that he had told you and 11 your group that you had to leave? 12 A. I believe so. 13 Q. Do you remember anyone telling you you had to 14 leave before Honick told you you had to leave 15 that night? 16 A. No. I know they didn't. 17 Q. Did anyone in your group ever tell you after 18 the fact that the bar was trying to get your 19 group out of there before Honick approached 20 you? 21 A. No. I don't think anybody, no. 22 Q. Have you ever spoken with Honick since the 23 night of the incident? 24 A. No. 25 Q. Have you talked with any other City of</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. And other than your encounter with Honick, are 2 you aware of other circumstances where you 3 believe they used more force than was 4 necessary? 5 A. I have seen things. 6 Q. Tell me what you have seen with the City of 7 Pittsburgh police officers. 8 A. South Side, just random things on the street. 9 Q. Before or after your incident? 10 A. Both. 11 Q. And what type of things? When you say you 12 have seen things, are you alleging officers 13 did things that you thought were 14 inappropriate? 15 A. Yeah, a little extreme. But I'm not aware of 16 their circumstances. I just seen what I saw. 17 Q. Do you know if Dave Honick was disciplined at 18 all as a result of what he did to you? 19 A. I don't believe he was. 20 Q. At any point before Honick punched you, did 21 you raise your hands to try to protect 22 yourself from the punch? 23 A. No. 24 Q. How much time in seconds did it take from 25 Honick to move from where he was past Lexa to</p>

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1 you?
 2 A. A couple seconds.
 3 Q. And earlier you said you were stunned. Were
 4 you too stunned to do anything to protect
 5 yourself?
 6 A. I was -- it was quick by the time I realized
 7 he was throwing a punch.
 8 Q. I understand. But a couple of seconds would
 9 give you time to put your hands up to protect
 10 your face, correct?
 11 A. I didn't. I wasn't aware that he was coming
 12 after me until it was too late pretty much.
 13 Q. Did you ever get in a fistfight as a kid
 14 growing up?
 15 A. As a kid.
 16 Q. How about as an adult, ever in any fistfights
 17 as an adult?
 18 A. Maybe throughout high school, 8th grade, gym
 19 class.
 20 Q. Do you recall any comments that people were
 21 making to Honick and the other officers after
 22 they had gotten you outside and you were in
 23 the process of either being pushed up against
 24 the wall and/or being put into the paddy
 25 wagon?

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1 A. I was pretty out of it at that point, but I
 2 know I recall some people asking for badge
 3 numbers, screaming this is bullshit, police
 4 brutality, things along that nature.
 5 Q. You told me that you made some comments to
 6 Lexa to kind of let your mom know what was
 7 going on?
 8 A. Yeah.
 9 Q. Did you ever speak to anyone in the crowd
 10 during that time?
 11 A. No.
 12 Q. Did you ever shout anything out?
 13 A. Just to Lexa.
 14 Q. Did you ever come to learn who the officer was
 15 who did the leg sweep to take you to the
 16 ground?
 17 A. I believe it was White.
 18 Q. White, okay. Now you sued a number of other
 19 officers here, and I'm going to ask you as you
 20 sit here today whether you know what they did
 21 during this encounter.
 22 Officer Semolinski. Do you know
 23 what that officer did?
 24 A. No.
 25 Q. A Detective Lebedda. Do you know what that

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1 detective did?
 2 A. No.
 3 Q. An Officer Kail. Do you know what that
 4 officer did?
 5 A. I believe he was on my back.
 6 Q. At what point?
 7 A. After the leg sweep.
 8 Q. And may have been participating in the
 9 handcuffing?
 10 A. Yes.
 11 MR. KENNEDY: I want to take a look
 12 at a few notes here. Mr. Campbell represents
 13 the individual police officers. He may have
 14 some questions for you as well. Okay?
 15 THE WITNESS: Okay.
 16 - - - -
 17 EXAMINATION
 18 - - - -
 19 BY MR. CAMPBELL:
 20 Q. Mr. Condarcure, how tall are you, sir?
 21 A. 6 foot.
 22 Q. How much do you presently weigh?
 23 A. Presently? 190.
 24 Q. And how much did you weigh in February of
 25 2010?

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1 A. Probably 170.
 2 Q. In high school did you play any sports?
 3 A. Yes.
 4 Q. What sports did you play?
 5 A. Football.
 6 Q. And what position did you play?
 7 A. Fullback and linebacker.
 8 Q. Have you ever had any training in sports such
 9 as wrestling?
 10 A. No.
 11 Q. Boxing?
 12 A. No.
 13 Q. Martial arts?
 14 A. No.
 15 Q. On the night in question since there were 26
 16 people and they all came on the bus, when you
 17 went to Saddle Ridge before you got off the
 18 bus was there any arrangement made as to how
 19 the people were to all get back together again
 20 to get on the bus to leave?
 21 A. Yes. At the end of the night, we were to meet
 22 where the -- everything took place. We were
 23 supposed to meet around that area, all of us,
 24 and the bus was outside waiting.
 25 Q. And the end of the evening was going to be